

## MEMORANDUM

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Agenda Item No. 3(C)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 11, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance amending Sec.  
8-16 of the Code; establishing  
severe weather precautions  
for construction sites

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The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Joe A. Martinez and Commissioner Sally A. Heyman.



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Murray A. Greenberg  
County Attorney

MAG/bw

# Memorandum



**Date:**

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:**

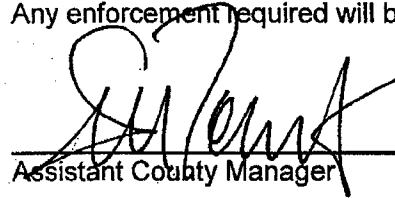
George M. Burgess  
County Manager

**Subject:**

Ordinance Amending Section 8-16 of the Code, Establishing Severe Weather  
Precautions for Construction Sites

The proposed ordinance amending Section 8-16 of the Code of Miami-Dade County, establishing severe weather precautions for construction sites will have no fiscal impact to the County.

Any enforcement required will be handled by existing staff in the Building Department.

  
Assistant County Manager

Fiscal00506



# MEMORANDUM

(Revised)

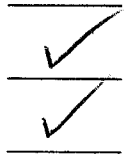
**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** May 23, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 4 (O)

Please note any items checked.



“4-Day Rule” (“3-Day Rule” for committees) applicable if raised

6 weeks required between first reading and public hearing

4 weeks notification to municipal officials required prior to public hearing

Decreases revenues or increases expenditures without balancing budget

Budget required

Statement of fiscal impact required

Bid waiver requiring County Manager’s written recommendation

Ordinance creating a new board requires detailed County Manager’s report for public hearing

Housekeeping item (no policy decision required)

No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(O)

05-23-06

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING SECTION 8-16 OF THE CODE OF MIAMI-DADE COUNTY; ESTABLISHING SEVERE WEATHER PRECAUTIONS FOR CONSTRUCTION SITES; PROVIDING FOR THE DISPOSAL OF CONSTRUCTION DEBRIS AND FOR SECURING AND MAINTENANCE OF SITE; ESTABLISHING RESPONSIBILITIES FOR COMPLIANCE; PROVIDING FOR ENFORCEMENT; AMENDING THE ADMINISTRATIVE PROVISIONS OF THE BUILDING CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. The administrative provisions of the Building Code, contained in Article I of Chapter 8 of the Code of Miami-Dade County, are hereby amended as follows: <sup>1</sup>

## **CHAPTER 8. BUILDING CODE**

### **ARTICLE I. ADMINISTRATION**

**Section 8-16. >>Maintenance of Construction Sites; Severe Weather Precautions; Responsibility for Compliance; Enforcement;<< [[Special Hurricane]] Inspections.**

- (a) ~~[[During such periods of time as the National Weather Service has issued a severe weather advisory that is in effect for Miami-Dade County, best efforts must be used so that all furniture, display racks, material and similar loose objects in exposed outdoor locations, including loose material of projects under construction are secured or otherwise appropriately braced to rigid construction or stored in buildings to the extent practicable given the conditions. Orders shall be oral or written and shall be given to any person on the premises most logically~~

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or>> doubled arrowed<<constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~responsible for maintenance and such orders shall be carried out before winds of tropical storm velocity are anticipated.]]~~

- ~~(b) After winds of the velocity associated with a severe weather event are experienced and have subsided, the Building Official shall investigate to determine if damage has occurred to buildings or other structures.~~
- ~~(c) No building or other structure or assembly or part thereof, which was damaged or collapsed or out of plumb or line shall be repaired or altered or otherwise returned to its original position without inspection and approval by the Building Official.~~
- ~~(d) [[For the purposes of this section, "severe weather advisory" shall be defined as any one of the following: a tropical storm warning, a hurricane watch, or a hurricane warning and the term "severe weather event" shall be defined as a tropical storm or hurricane.]]~~

>> (a) Definitions:

- (1) Construction site: any vacant or improved property which has an active building permit or any property which is being used for the temporary or permanent storage of construction materials, debris or materials without a Certificate of Use specifically providing for such use.
- (2) Permit holder: any person to whom a building permit is issued by the authority having jurisdiction, including the contractor owner, lessee or tenant.
- (3) Property Owner: any and all persons with legal and/or equitable title to real property in Miami-Dade County, as their names and addresses appear in the records of the Office of the Miami-Dade County Property Appraiser.
- (4) Severe weather advisory: a tropical storm warning, hurricane watch or hurricane warning.
- (5) Severe weather event: a tropical storm or hurricane.

(b) Maintenance of construction site.

- (1) Construction materials and equipment shall not be maintained or stored on any property prior to the issuance of a building permit unless the property or business owner has obtained a Certificate of Use allowing for such storage.
  - (2) Final inspection approval shall not be granted until all construction materials, equipment and debris for the construction under permit are removed from the construction site.
  - (3) All construction materials, equipment and debris must be removed from the construction site if the job is abandoned or the building permit lapses.
- 5

(4) A container for the disposal of discarded building materials, construction debris or other waste from a construction project must be maintained on each construction site where there is an active building permit.

- i. It shall be unlawful to deposit, store or maintain, or to permit to be deposited, stored or maintained any discarded building materials, construction debris or other waste from a construction project on a construction site unless it is placed in a container except as provided below.
- ii. When one property owner has three or more active building permits within a single sub-division, containers may be shared among permitted sites. In addition, in construction covered under this subsection, open-air storage of up to 10 cubic yards of discarded building materials, construction debris, or other waste from a construction project shall be allowed on a construction site except during such periods of time that a severe weather advisory is in effect. No more than two debris piles are allowed in any sub-division.

(c) Storage of materials and equipment during hurricane season.

The provisions of this subsection shall apply during the period commencing June 1 and ending November 30 of each year.

- (1) Open-air storage of construction materials on a construction site for more than seven days is prohibited except as provided below.
- (2) Construction materials which can be bundled together including, but not limited to roof tiles, pavers, sheathing, lumber and trusses may be stored outdoors on a construction site without limitation of time, provided: (a) such materials are maintained in their original manufacturer's packaging or (b) such materials are fastened in a manner sufficient to withstand separation, and the Building Official in his or her reasonable discretion determines that the packaging or fastening would prevent the materials from becoming windborne in a severe weather event. In no event shall materials stored under this exception be stored on rooftops. Nothing in this Section is intended to affect requirements or standards of the Building Code relating to the integrity of building materials which may prohibit or limit their storage outdoors.
- (3) During such periods of time that a severe weather advisory is in effect, construction materials which may not be stored on a construction site for more than seven days and all equipment in exposed outdoor locations shall be secured by lashing to rigid construction or the ground or placed in a building.

- (4) Orders shall be oral or written and shall be given to any person on the premises most logically responsible for maintenance and such orders shall be carried out before winds of tropical storm velocity are anticipated.<<

(d) Responsibility for compliance; enforcement.

- (1) It is the responsibility of the permit holder and property owner to maintain construction sites in accordance with the provisions of this section.
- (2) The permit holder and the property owner shall be jointly and severally liable for violations of this section.
- (3) In addition to any other remedies available to the Building Official, the Building Official may refuse to perform any requested inspection if violations of this section are observed.

(e) Inspections.

- (1) After winds of the velocity associated with a severe weather event are experienced and have subsided, the Building Official shall investigate to determine if damage has occurred to buildings or other structures.
- (2) No building or other structure or assembly or part thereof, which was damaged or collapsed or out of plumb or line shall be repaired or altered or otherwise returned to its original position without inspection and approval by the Building Official.<<

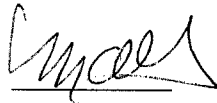
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency



Prepared by:



Hugo Benitez

Sponsored by Chairman Joe A. Martinez and  
Commissioner Sally A. Heyman